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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,482	01/28/2004	Dean E. Meyer	MDG-007CIP	5074
49055	7590	06/19/2006		
DANIEL J. DENEUFBOURG 109 WOODSTOCK AVENUE SUITE 100 CLARENDON HILLS, IL 60514			EXAMINER LARSON, JUSTIN MATTHEW	
			ART UNIT 3727	PAPER NUMBER

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.		Applicant(s)	
	10/767,482		MEYER, DEAN E.	
	Examiner		Art Unit	
	Justin M. Larson		3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-10, 12-17, 20, 22 and 23 is/are rejected.
- 7) ☒ Claim(s) 7, 11, 18, 19, 21 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/1/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether Applicant intends to claim the subcombination of the member alone, or the combination of the member and the pack. Claim 1 currently claims only the member with functional language implying its use with a pack, while claims 3, 4, 6, and 8 recite specific structure of the pack.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 9, 10, 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Swetish (US 6,199,732 B1).

Swetish discloses a member (20) for supporting a pack (14) with shoulder straps about the waist and/or hips of the wearer of the pack, the member defining base (34) and a pair of arms (40&42) adapted to engage the waist and/or hips of the wearer and being made of a flexible material (relatively rigid implies relative flexibility), the pack including a front face and an interior (26), said arms being adapted to extend through respective openings in the front face while the base remains on the interior of the pack (col. 3 line 65), wherein a strap (110) extends between and interconnects the arms (via

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member 70) for pivotal movement with respect to each other, and wherein the support member extends in a generally "U" shaped configuration (Figure 2) from a bottom panel of the pack. Regarding claim 13, the support member (20) of Swetish has satisfied the claimed structure of Applicant's support member and therefore must also be an elongate flexible rod as set forth in claim 13. If the support member (20) of Swetish is not in fact a flexible rod, then Applicant has not set forth the proper structure for an elongate flexible rod.

4. Claims 1, 6, 8, 16, 17, 20, 22, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Lamar (US 5,419,472 A):

Lamar discloses a member (60) for supporting a bag having an outer surface, a handle (80), and shoulder straps about the waist and/or hips of the wearer of bag, the member suspended from the handle and defining a pair of arms (70) extending outwardly from a forward face of the bag, the arms adapted to engage the waist and/or hips of the wearer and being made of a flexible material allowing said arms to be manipulated into a selected position (i.e. wrapped around user's waist) against the waist and/or hips of the wearer and further adapted to retain said position when released by the wearer (buckle 73 is the adaptation that retains the arms in their selected position). Regarding the handle, Applicant has set forth no particular structure of the handle, and a user could certainly grasp rail (80) when carrying the golf bag, making it a handle. Regarding claims 20 and 22, the orientation shown by Lamar can be considered to be either horizontal or vertical and over-the-back. Regarding claim 23, there is nothing stopping a user from mounting the golf bag on their front-side. Even in such a

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configuration, the golf bag could be considered mounted over-the-back as the mounting straps would be supported on the user's back. Note that strap (110) would engage the user's back in this configuration.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8, 16, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swetish as applied in paragraph#3 above in view of Lamar (US 5,419,473 A).

Swetish discloses the claimed invention except the pack (14) is in the form of a general backpack and not specifically a golf bag as claimed. Lamar teaches a similar load support system in which a golf bag is taught as being supported by a pair of shoulder straps and a waist belt in the same manner as taught by Swetish. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the support system of Swetish to carry a golf bag in the manner as taught by Lamar since both inventions are directed to like support systems for supporting pack-type carriers on a user's back. Regarding claims 20 and 22, the orientation shown by Lamar can be considered to be either horizontal or vertical and over-the-back.

Regarding claim 23, there is nothing stopping a user from mounting the golf bag on their

front-side. Even in such a configuration, the golf bag could be considered mounted over-the-back as the mounting straps would be supported on the user's back. Note that strap (110) would engage the user's back in this configuration.

Allowable Subject Matter

7. Claims 7, 11, 18, 19, 21, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on Monday - Friday, 8am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JML
6/13/06



NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER